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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

CR 04-40148 DLJ

v.

STIPULATION AND ORDER TO  
CONTINUE STATUS HEARING

JOSE CASTELLANOS,

Defendant.

/

At the request of the parties, the Court enters this order  
(1) continuing the hearing presently set for 9:00 a.m., July 10,  
2009, to **Tuesday, July 28, 2009 at 2:00 p.m.**, for change of  
plea; and (2) excluding time under the Speedy Trial Act from  
July 10, 2009, based on the following:

1. Since last appearing before this Court on December 12,  
2008, the parties have finally agreed to all material terms of  
the change of plea, including the offense of conviction.

2. What remains is merely reduction to writing and  
approval by the government, and a reasonable amount of time  
thereafter for Mr. Castellanos to thoroughly review with his  
counsel and formalize his assent thereto.

3. Accordingly, following discussion the parties mutually  
request that the July 10, 2009 hearing for change of plea be

1 vacated and that the matter be continued to Tuesday July 28,  
2 2009 at 2:00 p.m. for change of plea.

3       5. The parties stipulate that the time is excludable from  
4 the time limitations of the Speedy Trial Act because the  
5 interests of justice are served by granting a continuance. This  
6 continuance, requested by the parties, will permit continuity of  
7 counsel, and allow the reasonable time necessary for effective  
8 preparation, taking into account the exercise of due diligence.  
9 18 U.S.C. sections 3161(h)(8)(A) and (B)(iv).

10 THE PARTIES THEREFORE STIPULATE that the hearing for change  
11 of plea be continued from July 10, 2009 to July 28, 2009, with  
12 time continuing to be excluded as specified above, such that the  
13 ends of justice served by granting such a continuance outweigh  
14 the best interests of the public and the defendant in a speedy  
15 trial.

16 || Dated: July 10, 2009

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18 /s/ SHARI L. WHITE  
SHARI L. WHITE  
19 Attorney for JOSE CASTELLANOS

/s/ TIMOTHY J. LUCEY  
TIMOTHY J. LUCEY  
Assistant U.S. Attorney

## ORDER

21 Good cause appearing, and based upon the stipulation of the  
22 parties,

23       **IT IS HEREBY ORDERED** that the hearing in this matter is  
24 continued to Tuesday, July 28 2009, at the hour of 2:00 p.m.,  
25 and that time is excluded as stipulated.

26 || Dated: July 10, 2009

  
D. LOWELL JENSEN, Judge  
United States District Court